Datatreasury Corporation v. Wells Fargo & Company et al Doc. 84 Att. 1

Exhibit A

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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION

DATATREASURY CORPORATION,	§	
	§	
Plaintiff,	§	
	§	CIVIL ACTION NO. 2:06-CV-72-DF
v.	§	
	§	JURY TRIAL DEMANDED
WELLS FARGO & COMPANY, et al.	§	
	§	
Defendants.	§	

DECLARATION OF JOHN GRAY IN SUPPORT OF DEFENDANT FIRST CITIZENS BANCSHARES, INC.'S MOTION TO DISMISS FOR LACK OF PERSONAL JURISDICTION

I, John Gray, declare as follows:

1. I am currently an officer of First Citizens BancShares, Inc. My title is Assistant Vice President. My responsibilities include managing First Citizens BancShares, Inc.'s efforts to comply with its regulatory financial reporting obligations. In connection with my responsibilities, I am familiar with the corporate books and records of First Citizens BancShares, Inc. and its subsidiaries. I am also familiar with the operations of First Citizens BancShares, Inc. I am over the age of 18 and am not disabled. I am authorized to make this declaration. Except as noted, I have personal knowledge of facts as set forth herein. Those facts are true and correct.

2. First Citizens BancShares, Inc. is incorporated and organized under the laws of the State of Delaware. First Citizens BancShares, Inc. has its principal place of business in Raleigh, North Carolina.

3. First Citizens BancShares, Inc. is a holding company that holds stock in a number of companies.

4. First Citizens BancShares, Inc. has not and does not, on behalf of itself, its subsidiaries, or any other persons or entities, offer for sale, sell, advertise or provide any document, receipt, or check imaging or processing services to any customers in the state of Texas or elsewhere.

5. First Citizens BancShares, Inc. does not own any patents.

6. First Citizens BancShares, Inc. observes all corporate formalities, including having its own board of directors and its own officers. First Citizens BancShares, Inc. maintains books and bank accounts separate from its subsidiaries. Similarly, First Citizens BancShares, Inc.'s subsidiaries maintain books and bank accounts separate from First Citizens BancShares, Inc. All of First Citizens BancShares, Inc.'s operating subsidiaries operate with sufficient capital to conduct day-to-day operations.

7. First Citizens BancShares, Inc. does not maintain a place of business in Texas, nor has it ever maintained a place of business in Texas.

8. First Citizens BancShares, Inc. is not licensed or otherwise authorized to do business in Texas, nor has it ever been licensed or otherwise authorized to do business in Texas.

9. First Citizens BancShares, Inc. does not have assets, employees, or agents in Texas, nor has it ever had assets, employees, or agents in Texas.

10. First Citizens BancShares, Inc. does not manufacture goods, distribute products, or provide services in Texas.

11. First Citizens BancShares, Inc. does not pay franchise or any other taxes to the State of Texas.

12. First Citizens BancShares, Inc. conducts no business in Texas and directs none of its activities toward residents of Texas.

I declare under the penalty of perjury that the foregoing is true and correct.

Dated: May 31, 2006

John Gray